IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 18587 of 2004

Between:

B.Chandraiah S/o. (Late) R.Ramulu
R/o.6-2-127/A, Katedan Village, Rajendranagar Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Rajendranagar Mandal,
Ranga Reddy District.
2 The District Collector, Ranga Reddy District at Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ directing the respondents to act in accordance with law and forbear from demolishing any part of the premises/structures of the Petitioner bearing premises No.6/2/127/A, Katedan Village, Rajendranagar Mandal, Range Reddy District without following the procedure of law and without putting the petitioner on notice for the alleged contravention enabling the petitioner to submit his explanation and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The complaint in the writ petition is that without following the due procedure, the respondents are threatening the petitioner for demolition of one of the rooms constructed by him. It is not in dispute that the land to an extent of 80 sq.yards in Survey No.40 situated at Katedan Village, Rajendranagar Mandal, Ranga Reddy District, which belongs to the Government, was regularized through a Regularisaton Deed vide No.2764 of 2002, dated
23-05-2002, executed in favour of the petitioner by the Government and therefore, he availed the benefit under G.O.Ms.No.423, dated 31-07-1998, and accordingly, made constructions over the said land. Challenging the said regularization, M/s.Sarvodaya Trust Grama Seva Kendram filed WP.No.13704 of 2003 before this Court, wherein, an interim order was passed against the petitioner not to make further constructions and thereafter, alleging that the petitioner has violated the said orders, a contempt case in C.C.No.117 of 2003 was filed against him, wherein, this Court inflicted him with punishment of three months sentence in the said contempt case. Aggrieved by the same, he filed an appeal in C.A.No.15 of 2003 before this Court and the same is pending.

The learned Government Pleader for Revenue appearing for the respondents filed counter-affidavit, in which, it is stated that the petitioner without confining to the 80 sq.yards of the land is trying to illegally construct on the Government land about 20 to 25 sq.yards, for which, he was prevented.

In view of the same, the respondents are directed to demarcate the property,

which was regularized in favour of the petitioner through a Regularisation Deed, and confine the construction activity, if any, being made by the petitioner to the extent of regularized land only. On such demarcation, if it is found that the petitioner has encroached into the adjacent land, which is of the Government, the respondents after issuing necessary notice and after giving an opportunity to the petitioner for making his objections, if any, shall proceed with the matter in accordance with law.

The writ petition is accordingly disposed of. No costs.

16th NOVEMBER, 2004.

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To

1 The Mandal Revenue Officer, Rajendranagar Mandal,
Ranga Reddy District.
2 The District Collector, Ranga Reddy District at Hyderabad.

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.